



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3821

by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

5 ILCS 315/4

from Ch. 48, par. 1604

Amends the Illinois Public Labor Relations Act. Provides that public employers shall not be required to bargain over issues concerning second chance programs or other similar programs that are directed at assisting in the reintegration of ex-offenders into the workforce after they have been released from house arrest, home confinement, drug or alcohol programs, or a work release center, including the impact or implementation of such programs on the wages, hours, and terms and conditions of employment for public employees. Provides that issues concerning second chance programs shall be considered matters of inherent managerial policy for purposes of bargaining under the Act. Effective immediately.

LRB100 10448 RJF 20658 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 4 as follows:

6 (5 ILCS 315/4) (from Ch. 48, par. 1604)

7 (Text of Section WITH the changes made by P.A. 98-599,
8 which has been held unconstitutional)

9 Sec. 4. Management Rights. Employers shall not be required
10 to bargain over matters of inherent managerial policy, which
11 shall include such areas of discretion or policy as the
12 functions of the employer, standards of services, its overall
13 budget, the organizational structure and selection of new
14 employees, examination techniques and direction of employees.
15 Employers, however, shall be required to bargain collectively
16 with regard to policy matters directly affecting wages, hours
17 and terms and conditions of employment as well as the impact
18 thereon upon request by employee representatives, except as
19 provided in Section 7.5.

20 To preserve the rights of employers and exclusive
21 representatives which have established collective bargaining
22 relationships or negotiated collective bargaining agreements
23 prior to the effective date of this Act, employers shall be

1 required to bargain collectively with regard to any matter
2 concerning wages, hours or conditions of employment about which
3 they have bargained for and agreed to in a collective
4 bargaining agreement prior to the effective date of this Act,
5 except as provided in Section 7.5.

6 The chief judge of the judicial circuit that employs a
7 public employee who is a court reporter, as defined in the
8 Court Reporters Act, has the authority to hire, appoint,
9 promote, evaluate, discipline, and discharge court reporters
10 within that judicial circuit.

11 Nothing in this amendatory Act of the 94th General Assembly
12 shall be construed to intrude upon the judicial functions of
13 any court. This amendatory Act of the 94th General Assembly
14 applies only to nonjudicial administrative matters relating to
15 the collective bargaining rights of court reporters.

16 (Source: P.A. 98-599, eff. 6-1-14.)

17 (Text of Section WITHOUT the changes made by P.A. 98-599,
18 which has been held unconstitutional)

19 Sec. 4. Management Rights. Employers shall not be required
20 to bargain over matters of inherent managerial policy, which
21 shall include such areas of discretion or policy as the
22 functions of the employer, standards of services, its overall
23 budget, the organizational structure and selection of new
24 employees, examination techniques and direction of employees.
25 Employers also shall not be required to bargain over issues

1 concerning second chance programs or other similar programs
2 that are directed at assisting in the reintegration of
3 ex-offenders into the workforce after they have been released
4 from house arrest, home confinement, drug or alcohol programs,
5 or a work release center, including the impact or
6 implementation of such programs on the wages, hours, and terms
7 and conditions of employment for public employees. Whether to
8 maintain a second chance program, and in what form, shall be
9 considered a matter of inherent managerial policy. Employers,
10 however, shall be required to bargain collectively with regard
11 to policy matters directly affecting wages, hours and terms and
12 conditions of employment as well as the impact thereon upon
13 request by employee representatives.

14 To preserve the rights of employers and exclusive
15 representatives which have established collective bargaining
16 relationships or negotiated collective bargaining agreements
17 prior to the effective date of this Act, employers shall be
18 required to bargain collectively with regard to any matter
19 concerning wages, hours or conditions of employment about which
20 they have bargained for and agreed to in a collective
21 bargaining agreement prior to the effective date of this Act.

22 The chief judge of the judicial circuit that employs a
23 public employee who is a court reporter, as defined in the
24 Court Reporters Act, has the authority to hire, appoint,
25 promote, evaluate, discipline, and discharge court reporters
26 within that judicial circuit.

1 Nothing in this amendatory Act of the 94th General Assembly
2 shall be construed to intrude upon the judicial functions of
3 any court. This amendatory Act of the 94th General Assembly
4 applies only to nonjudicial administrative matters relating to
5 the collective bargaining rights of court reporters.

6 (Source: P.A. 94-98, eff. 7-1-05.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.